

Permitting & Assistance Branch Staff Report
New Solid Waste Facilities Permit for the
Redwood Recycling Center
SWIS No. 21-AA-0069
August 17, 2016

Background Information, Analysis, and Findings:

This report was developed in response to the Marin County Environmental Health Services Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed new Solid Waste Facilities Permit (SWFP) for the Redwood Recycling Center, SWIS No. 21-AA-0069, located in Marin County and owned and operated by Redwood Landfill, Inc. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on July 21, 2016. A new proposed permit was received on August 10, 2016. Action must be taken on this permit no later than October 9, 2016. If no action is taken by October 9, 2016, the Department will be deemed to have concurred with the issuance of the proposed new SWFP.

The following are the key design parameters of the proposed project:

| | Proposed Permit |
|----------------------------------|---|
| Operator | Redwood Landfill, Inc. |
| Owner | Redwood Landfill, Inc. |
| Facility Type | Large Volume Transfer/Processing Station/Materials Recovery Facility |
| Proposed Hours/Days of Operation | <u>Commercial Customers:</u> 12:00 a.m. – 3:00 p.m. Mondays – Fridays; 12:00 a.m. – 3:30 p.m. Saturdays <u>Public Customers:</u> 7:00 a.m. – 3:00 p.m. Mondays – Fridays; 8:00 a.m. – 3:30 p.m. Saturdays <u>Closed to Public and Commercial Haulers:</u> Sundays, New Year's Day, Christmas Day Ancillary Operations/Facility Operating Hours: 24 hours per day except closed New Year's Day and Christmas Day |
| Proposed Maximum Tonnage | 400 Tons per Day – Construction and Demolition Debris and Mixed Recyclable Materials |
| Proposed Traffic Volume | 662 Total Vehicles Entering the Site Per Day, which includes: landfill, composting facility, MRF and employee traffic. |

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|-----------------------|---|
| Proposed Area (acres) | 6.5 |
| Design Capacity | 400 tons/day |
| Waste Types | Construction and Demolition Debris and Mixed Recyclable Materials |

Background

This facility will be located adjacent to the existing Redwood Landfill (SWIS No. 21-AA-0001). The construction of a Material Recovery Facility (MRF) was a requirement of the Mitigation and Monitoring Reporting Program (MMRP) for the revision of the SWFP for the Redwood Landfill in 2008 to promote diversion of heavy construction and demolition wastes from disposal. The MRF is designed to be open air and with floor sorting of various construction and demolition debris and mixed recyclable materials. The buildout of a mechanical line for eventual sorting is possible if tonnage becomes significant and a sorting line is economically viable. It is estimated that 175-200 tons/day will be processed at the facility.

Findings:

Staff recommends concurrence in the issuance of the proposed new SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

| 27 CCR Sections | Findings | |
|---|--|---|
| 21685(b)(1) LEA Certified Complete and Correct Report of Facility Information | The LEA provided the required certification in their permit submittal letter dated July 26, 2016. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| 21685(b)(3) Solid Waste Facility Permit | Staff received a proposed Solid Waste Facilities Permit on August 10, 2016. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| 21685 (b)(4)(A) Consistency with Public Resources Code 50001 | The LEA in their permit submittal package received on July 26, 2016 provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Nondisposal Facility Element, as described in their memorandum dated August 4, 2016. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |

| 27 CCR Sections | Findings | |
|---|--|---|
| 21685(b)(9) LEA CEQA Finding | The LEA provided a finding in their permit submittal package received on July 26, 2016 that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| 21650(g)(5) Public Notice and/or Meeting, Comments | A Public Informational Meeting was held by the LEA in Novato on June 22, 2016. No written comments were received by LEA or Department staff. See Public Comments section below for details. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| CEQA Determination to Support Responsible Agency's Findings | The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new SWFP. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |

Compliance History:

Permitting & Assistance Branch staff have determined that the design and operations described in the submitted Transfer Processing Report will allow the proposed facility to comply with State Minimum Standards.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the County of Marin Community Development Agency, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The operations that will be authorized by the issuance of the proposed permit include:

Operation of a Large Volume Transfer/Processing and Material Recovery Facility with a permitted maximum tonnage of 400 tons/day.

These changes are supported by the following environmental document and an Addendum dated August, 2013.

A Final Environmental Impact Report (FEIR), State Clearinghouse No. 1991033042, was prepared for the Redwood Landfill and was circulated for a 30 day comment period from March 28, 2008 to April 28, 2008. The FEIR concluded that the environmental

impacts caused by the project would have a significant effect on the environment (air quality) even after mitigation measures were made on the project. The Lead Agency certified the FEIR, together with the Mitigation Monitoring and Reporting Program, and the Statement of Overriding Considerations (SOC), on December 18, 2008.

A Notice of Determination was filed with the State Clearinghouse on December 24, 2008.

The 2013 Addendum to the FEIR addressed:

- (1) Development and operation of a materials recovery facility (MRF);
- (2) Modification of the existing compost facility at the landfill; and
- (3) An increase in the maximum daily number of vehicles entering the facility from 662 vehicles per day to 690 vehicles per day.

The Marin County Environmental Health Services has provided a finding that the proposed new SWFP is consistent with and supported by the cited environmental documents.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Final Environmental Impact Report and Addendum, as prepared by the Lead Agency, in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed new SWFP.

Although the EIR identified significant, unavoidable impacts regarding air quality, the Department is not required to adopt an SOC. Air quality is outside of the Department's jurisdiction for transfer/processing facilities and CEQA does not require a responsible agency to adopt an SOC under such circumstances.

Department staff further recommends the Final Environmental Impact Report, the 2013 Addendum and all other CEQA documents adopted by the Lead Agency, are adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed new SWFP and all of its components and supporting documentation, this staff report, the Final Environmental Impact Report and Addendum adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed new SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on June 22, 2016 at the Marin Humane Society in the City of Novato. Two members of the public were in attendance, and both had positive comments about the proposed project. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on August 16, 2016. Department staff have not received any comments.